



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,656	11/15/2001	Masashi Yasuda	1560-0373P-SP	7457

2292 7590 10/04/2006

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

COBANOGU, DILEK B

ART UNIT PAPER NUMBER

3626

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/987,656	Applicant(s) YASUDA ET AL.	
	Examiner Dilek B. Cobanoglu	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed on 6/28/2006. Claim 7 has been cancelled. Claims 1-6 and 8-20 continue pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8, 10, 14-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by MacCarter et al. (hereinafter MacCarter) (U.S. Patent No. 6,858,006 B2).

A. Claim 1 is amended now to recite a health control system comprising:

- i. a communication device for acquiring health information indicating the health condition of a target person said communication device including (MacCarter; col. 3, line 66 to col. 4, line 11);
- ii. a dialogic diagnosis unit for carrying out dialogic diagnosis on the target person, accepting a reply to a question for dialogic diagnosis, and

outputting reply information indicating said accepted reply (MacCarter; col. 5, lines 24-30 and col. 6, lines 29-32);

iii. a detection unit for detecting a physiological condition of the target person and outputting the detected physiology information (MacCarter; col. 3, lines 35-53); and

iv. a processor configured to transmit the acquired health information and identification information identifying the target person to an information processing apparatus, wherein the acquired health information includes the reply information and the physiology information (MacCarter; col. 4, lines 43-65); and

v. an information processing apparatus capable of communicating with said communication device for health control; said information processing apparatus including a processor (MacCarter; col. 5, lines 24-30 and col. 6, lines 46-55) configured to

vi. evaluate the health condition of said target person on the basis of the health information received from the communication device (MacCarter; col. 5, lines 31-38); and

vii. notify a result of the evaluation by said evaluating operation separately to a target person specified by the identification information received from said communication device and to said doctor carrying out said diagnosis on said target person (MacCarter; col. 5, lines 31-38, col. 6, line 56 to col. 7, line 6); and

viii. wherein the communication device is maintained external to the body of the target person (MacCarter; col. 4, lines 10-11).

B. Claim 2 is amended now to recite a health control system according to Claim 1 wherein:

- i. said processor of said information processing apparatus is further capable of performing an operation of storing identifying information for identifying said communication device, in association with said target person identification information (MacCarter; col. 5, lines 23-30, col. 6, lines 46-55);
- ii. said evaluating operation includes generating information indicating the evaluation result of the health condition of said target person to be used for the notification to said target person (MacCarter; col. 5, lines 31-38); and
- iii. said notifying operation includes transmitting said information indicating the evaluation result generated by said evaluating operation to said communication device specified by said identifying information of the communication device in association with said received target person identification information (MacCarter; col. 6, line 56 to col. 7, line 6).

C. Claim 3 is amended now to recite a health control system according to Claim 1 further comprising:

Art Unit: 3626

i. a communication device for diagnosis used for the diagnosis of the health condition of said target person by said doctor (MacCarter; col. 4, lines 43-55), wherein:

ii. said processor of said information processing apparatus is further configured to store identifying information of the communication device for diagnosis for identifying said communication device for diagnosis, in association with said target person identification information (MacCarter; col. 5, lines 23-30 and col. 6, line 56 to col. 7, line 6);

iii. said evaluating operation includes generating information indicating the evaluation result of the health condition of said target person to be used for the notification to said doctor (MacCarter; col. 5, lines 31-38 and col. 6, line 56 to col. 7, line 6); and

iv. said notifying operation includes transmitting said information indicating the evaluation result generated by said evaluating operation to said communication device for diagnosis specified by said identifying information of communication device for diagnosis associated with said received target person identification information (MacCarter; col. 5, lines 31-38 and col. 6, line 56 to col. 7, line 6).

D. Claim 4 is amended now to recite a health control system according to Claim 3, wherein:

i. said communication device for diagnosis includes a processor (MacCarter; col. 3, line 66 to col. 4, line 11) configured to:

Art Unit: 3626

- ii. accept target person identification information and chart information indicating the chart of said target person (MacCarter; col. 4, lines 43-62); and
- iii. transmit said target person identifying information and said chart information accepted by said accepting operation to said information processing apparatus (MacCarter; col. 5, lines 23-30); and
- iv. said information processing apparatus further includes a storage unit of chart information for storing said received chart information in association with said received target person identification information (MacCarter; col. 6, lines 46-55).

E. Claim 5 is amended now to recite a health control system according to Claim 1 further comprising:

- i. a communication device for nursing to be used for visit nursing of a target person by a nurse carrying out nursing on said target person (MacCarter; col. 4, lines 43-55 and col. 11, lines 30-40), wherein:
- ii. said processor of said information processing apparatus is further configured to store identifying information of the communication device for nursing for identifying said communication device for nursing, in association with said target person identifying information (MacCarter; col. 5, lines 23-30, col. 6, line 56 to col. 7, line 6);
- iii. said evaluating operation includes generating information indicating the evaluation result of the health condition of said target person to be

used for the notification to said nurse (MacCarter; col. 5, lines 31-38, col. 6, line 56 to col. 7, line 6); and

iv. said notifying operation includes transmitting said information indicating the evaluation result generated by said evaluating operation to said communication device for nursing specified by said identifying information of the communication device for nursing associated with said received target person identifying information (MacCarter; col. 5, lines 31-38, col. 6, line 56 to col. 7, line 6).

F. Claim 6 is amended now to recite a health control system comprising:

i. a communication device for health control for acquiring information indicating the health condition of a target person of nursing by a nurse, the communication device for health control being maintained external to the body of the target person (MacCarter; col. 4, lines 43-65); and

ii. an information processing apparatus capable of communicating with said communication device for health control (MacCarter; col. 5, lines 23-30); wherein:

iii. said communication device for health control includes a processor configured to transmit said acquired information of health condition and target person identification information identifying said target person from whom said information of health condition is acquired, to said information processing apparatus (MacCarter; col. 4, lines 63-65 and col. 5, lines 23-30); and

iv. said information processing apparatus includes a processor configured to evaluate the health condition of said target person on the basis of said received information of health condition (MacCarter; col. 5, lines 31-38 and col. 6, line 56 to col. 7, line 6); and

v. notify the evaluation result by said evaluating operation separately to said target person specified by said received target person identification information and to said nurse carrying out said nursing on said target person (MacCarter; col. 5, lines 31-38 and col. 6, line 56 to col. 7, line 6).

G. As per claim 8, MacCarter discloses a health control system according to Claim 6 wherein: said communication device for health control further includes:

i. a dialogic diagnosis unit for carrying out dialogic diagnosis on said target person, accepting a reply to a question for dialogic diagnosis, and outputting reply information indicating said accepted reply (MacCarter; col. 6, lines 29-32 and col. 5, lines 24-30); and

ii. a detection unit for detecting the physiological condition of said target person and then outputting physiology information indicating said detected physiological condition (MacCarter; col. 3, lines 35-53); and

iii. said health control system is configured so as to transmit said reply information output by said dialogic diagnosis unit and said physiology information output by said detection unit, as said information of health condition to said information processing apparatus (MacCarter; col. 4, lines 43-65 and col. 5, lines 23-30).

Art Unit: 3626

H. Claim 10 is amended now to recite a health control system according to Claim 1 wherein said detection unit is attachable to the body of said target person (MacCarter; col. 3, lines 41-50).

I. Claim 14 is amended now to recite an information processing apparatus comprising a processor configured to:

- i. receive target person identifying information for identifying a target person for diagnosis by a doctor and health information indicating the health condition of said target person (MacCarter; col. 4, line 56 to col. 5, line 5);
- ii. evaluate the health condition of said target person specified by said target person identifying information, on the basis of said health information received by said receiving operation (MacCarter; col. 5, lines 31-38); and
- iii. notify the evaluation result by said evaluating operation separately to said target person and said doctor carrying out said diagnosis on said target person (MacCarter; col. 5, lines 31-38 and col. 6, line 56 to col. 7, line 6).

J. Claim 15 is amended now to recite an information processing apparatus according to Claim 14 wherein:

- i. said evaluating operation includes generating information indicating the evaluation result of the health condition of said target person to be

used for the notification to said target person (MacCarter; col. 5, lines 23-38 and col. 11, lines 4-14); and

ii. said notifying operation includes transmitting said information indicating the evaluation result generated by said evaluating operation, on the basis of said received target person identifying information (MacCarter; col. 5, lines 23-38).

K. Claim 16 is amended now to recite an information processing apparatus according to Claim 14 wherein:

i. said evaluating operation includes generating information indicating the evaluation result of the health condition of said target person to be used for the notification to said doctor (MacCarter; col. 5, lines 23-38); and

ii. said notifying operation includes transmitting said information indicating the evaluation result generated by said evaluating operation, on the basis of said received target person identifying information (MacCarter; col. 5, lines 23-38).

L. Claim 17 is amended now to recite an information processing apparatus according to Claim 14 wherein:

i. said evaluating operation includes generating information indicating the evaluation result of the health condition of said target person to be used for the notification to a nurse (MacCarter; col. 5, lines 23-38 and col. 5, lines 39-44); and

Art Unit: 3626

ii. said notifying operation includes transmitting said information indicating the evaluation result generated by said evaluating operation, on the basis of said received target person identifying information (MacCarter; col. 5, lines 23-38).

M. Claim 18 is amended now to recite a health control system comprising:

i. a communication device for acquiring health information indicating health condition of a target person for diagnosis by a doctor (MacCarter; col. 3, line 66 to col. 4, line 11), said communication device including

ii. a dialogic diagnosis unit for carrying out dialogic diagnosis on the target person, accepting a reply to a question for dialogic diagnosis, and output reply information indicating said accepted reply (MacCarter; col. 6, lines 29-32, col. 5, lines 24-30);

iii. a detection unit for detecting a physiological condition of the target person and outputting the detected physiology information (MacCarter; col. 3, lines 35-53), and

iv. a processor configured to transmit the acquired health information and identification information identifying the target person to an information processing apparatus, wherein the acquired health information includes the reply information and the physiology information (MacCarter; col. 4, lines 43-65); and

- v. an information processing apparatus capable of communicating with said communication device for health control (MacCarter; col. 6, lines 46-55, col. 5, lines 24-30); said information processing apparatus including
- vi. evaluating means for evaluating health condition of said target person on the basis of the health information received from the communication device (MacCarter; col. 5, lines 31-38) and
- vii. notifying means for notifying the evaluation result by said evaluating means separately to a target person specified by the identification information received from said communication device and to said doctor carrying out said diagnosis on said target person (MacCarter; col. 5, lines 23-38 and col. 6, line 56 to col. 7, line 6); and
- viii. wherein the communication device is maintained external to the body of the target person (MacCarter; col. 4, lines 10-11).

N. Claim 19 is amended now to recite a health control system comprising:

- i. a communication device for health control for acquiring health information indicating health condition of a target person of nursing by a nurse, the communication device for health control being maintained external to the body of the target person (MacCarter; col. 3, line 66 to col. 4, line 11); and
- ii. an information processing apparatus capable of communicating with said communication device for health control (MacCarter; col. 4, line 63 to col. 5, line 5); wherein:

iii. said communication device for health control includes transmitting means for transmitting said acquired health information and target person identifying information for identifying said target person from whom said health information is acquired, to said information processing apparatus (MacCarter; col. 5, lines 23-30); and

iv. said information processing apparatus includes: evaluating means for evaluating the health condition of said target person on the basis of said received health information (MacCarter; col. 5, lines 23-38); and

v. notifying means for notifying the evaluation result by said evaluating means separately to said target person specified by said received target person identifying information and to said nurse carrying out said nursing on said target person (MacCarter; col. 5, lines 23-38).

O. Claim 20 is amended now to recite an information processing apparatus comprising:

i. receiving means for receiving target person identifying information for identifying a target person for diagnosis by a doctor and health information indicating the health condition of said target person (MacCarter; col. 4, lines 43-65);

ii. evaluating means for evaluating the health condition of said target person specified by said target person identifying information, on the basis of said received health information (MacCarter; col. 5, lines 23-38) and

iii. notifying means for notifying the evaluation result by said evaluating means separately to said target person and said doctor carrying out said diagnosis on said target person (MacCarter; col. 5, lines 23-38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over by MacCarter et al. (hereinafter MacCarter) (U.S. Patent No. 6,858,006 B2) in view of Lebel et al. (hereinafter Lebel) (U.S. Patent No. 6,873,268 B2).

A. Claim 9 is amended now to recite a health control system according to Claim 1 wherein: said dialogic diagnosis unit includes:

- i. a voice generating unit for generating a plurality of voice messages for dialogic diagnosis; and
- ii. a voice recognizing unit for detecting the voice of said target person and then recognizing said detected voice (MacCarter; col. 6, lines 23-33); and

iii. said reply information is generated on the basis of the result of said voice recognition by said voice recognizing unit (MacCarter; col. 6, lines 23-33 and col. 11, lines 30-40).

MacCarter fails to expressly teach the a voice generating unit for generating a plurality of voice messages for dialogic diagnosis per se, since it appears that MacCarter is more directed to patient interacting with a display on the aggregation node or communication device that has a touch screen with keyboards or voice recognition (MacCarter; col. 6, lines 30-33). However, this feature is well known in the art, as evidenced by Lebel.

In particular, Lebel discloses a voice generating unit for generating a plurality of voice messages for dialogic diagnosis (Lebel; col. 24, lines 33-44).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Lebel with the motivation of communicating with the user to indicate the status with a predefined language and replace or supplement keypad or touch screen input capabilities (Label; col. 31, lines 1-14).

6. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by MacCarter et al. (hereinafter MacCarter) (U.S. Patent No. 6,858,006 B2) in view of Haller et al. (hereinafter Haller) (U.S. Patent Publication No. 2002/0082665 A1).

Art Unit: 3626

A. Claims 11-13 have been amended now to recite a health control system according to Claim 1 wherein said processor of said information processing apparatus is further configured to calculate accounting information indicating a charge to said target person depending on the information provided to said target person, doctor who uses said communication device for diagnosis and nurse depending on the information provided to said nurse.

MacCarter fails to expressly teach the calculate accounting information indicating a charge to said target person depending on the information provided to said target person, doctor who uses said communication device for diagnosis and nurse depending on the information provided to said nurse, per se, since it appears that MacCarter is more directed to a system for monitoring health information of plurality of patients. However, this feature is well known in the art, as evidenced by Haller.

In particular, Haller discloses a calculate accounting information indicating a charge to said target person depending on the information provided to said target person, doctor who uses said communication device for diagnosis and nurse depending on the information provided to said nurse (Haller; par. 0083, 0179 and 0180).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Haller with the motivation of automated and streamlined billing and invoicing methods that increase patient empowerment, lower health care

costs and results in the delivery of more customized and timely relatives and remedial actions to patient (Haller; par. 0183).

Response to Arguments

7. Applicant's arguments with respect to claims 1-6 and 8-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

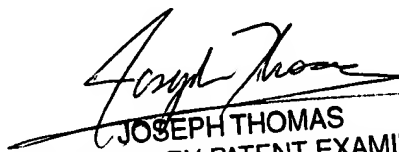
Art Unit: 3626

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DBC

DBC
Art Unit 3626
09/06/2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER